

## **REMARKS**

Claims 59-65 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 59-65 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hill (U.S. Pat. No. 2,010,082) in view of Estkowski (U.S. Pat. No. 4,696,394) and further in view of Havens et al. (U.S. Pat. No. 5,033,253). This rejection is respectfully traversed.

Claims 59-65 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Estkowski (U.S. Pat. No. 4,696,394) in view of Hill (U.S. Pat. No. 2,010,082) and further in view of Havens et al. (U.S. Pat. No. 5,033,253). This rejection is respectfully traversed.

Applicant respectfully submits that the combination of Hill '082 in view of Estkowski '394 and Havens '253 is improper. In particular, the disclosure of Hill discloses a packaging system for a saw blade in which two cardboard disks D and D' are placed on opposite sides of the saw blade S and the outer perimeter of the disks D, D' are wrapped around the peripheral surface of the saw teeth and including a paper ribbon C, C' extending around the periphery of the disks D and D' which sandwich the saw blade. The ribbon C, C' wrapped around the periphery of the package is disclosed as being cemented (glued) to the disks. See col. 1, line 11 – 23 and col. 2, lines 2-9 and 14-18. The disks are also disclosed as "having sufficient softness to be indented by

the saw teeth without dulling the teeth and being thick enough not to be punctured by the teeth during rough handling.” See col. 1, lines 14-18. Thus, the disks D and D’ provided on opposite sides of the saw blade prevent the paper ribbon from contacting the blade tip.

The disclosure of Estkowski ‘394 is directed to a protective covering for the tread of a castor wheel. The protective covering is formed as a cylindrical band which is heat shrunk in order to cover the tread of the castor wheel. What is clearly not an issue in the disclosure of Estkowski ‘394 is the concern for puncturing the protective covering during the shrinking process since the tread of the castor wheel is without sharp edges.

However, the Examiner cites the reference of Havens et al ‘253 and states that “the use of shrinking materials with particular strength to cover or protect sharp edges of tools or objects are well known in the art such as taught by Havens.” The Examiner further states that “Havens teaches a heat shrinking material 7 covers a sharp point 9 of an object 10.” However, Applicant respectfully submits that the disclosure of Havens et al ‘253 is directed to a skin packaging technique which does not involve heat shrinking of the film material. In particular, as stated in the Background of the Invention section, the ‘253 patent states “skin packaging is essentially a vacuum forming process. In a typical process, a sheet of thermoplastic film is placed in a frame, and below the frame is a vacuum plate upon which a piece of support pervious to gasses such as a backing board is placed. The product to be skin packaged is positioned on top of the backing board and heat is applied to the thermoplastic film in the frame. When the film has been heated to become sufficiently soft, the frame is lowered and the plastic sheet drapes itself over the product. As this happens, a partial vacuum is created through the

vacuum plate, and the air underneath the plastic film is withdrawn through the backing board. The air pressure differential between the top and the bottom of the plastic sheet causes the sheet to be tightly pressed around the product” (see col. 1, lines 16-30). Applicant submits that the skin packaging process of Havens ‘253 although applying heat, does not utilize a heat shrinking material as improperly asserted by the Examiner. Applicant respectfully submits that the disclosure of Havens ‘253 therefore does not properly teach or suggest the use of shrinking materials to cover or protect sharp edges such as a saw blade as improperly asserted by the Examiner. Therefore, reconsideration and withdrawal of this rejection are respectfully requested.

Applicant further notes that the disclosure of Havens et al ‘253 discloses that the film as disclosed therein “exhibits excellent draw ratios and stretch whereby it is sufficiently deformable so that it can be employed to skin package high profile and/or heavy objects.” “By ‘high profile,’ it is intended to mean objects having a vertical dimension; minimum horizontal dimension ratio of about 20:1 or more, for instance, an essentially cylindrical object having a height of about 20 inches in the direction substantially vertical (i.e., substantially perpendicular) to the support and a base diameter of about one inch (2.5 cm) in the direction substantially horizontal to the support” (see col. 4, lines 19-33). Contrary to the disclosed stretch or draw characteristics of the film of Havens ‘253, the film of Estkowski is a heat shrinkable film in which the stretch or draw characteristics thereof are irrelevant. In essence the Examiner’s improperly combining the technologies of heat shrink wrapping and skin packaging by the combination of Estkowski and Havens. Therefore, Applicant submits

that the combination of references is improper and reconsideration and withdrawal of the rejection of claims 59-65 are respectfully requested.

Applicant further submits that there is nothing in the disclosure of Estkowski '394 or Havens '253 to provide proper motivation to combine the teachings of Estkowski '394 or Havens '253 for wrapping a saw blade as disclosed in Hill '082. Applicant submits that the disclosure of Hill '082 includes disks D and D' for isolating the saw blade tips from the ribbons C, C' that extend around the periphery of the package. Thus, the ribbons C, C' of Hill '082 do not directly contact the tips of the saw blade as required by claim 59. There is no proper suggestion in Estkowski '394 or Havens '253 to eliminate the disks D and D' of Hill for wrapping a saw blade with shrink film to arrive at the present invention as claimed. Therefore, reconsideration and withdrawal of this rejection are respectfully requested.

Applicant further submits that if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purposes, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Accordingly, Applicant submits that it would be improper to modify the system of Hill '082 to either eliminate the disks D, D' or make the diameter of the disks D, D' smaller so as to expose the saw blade teeth to the shrink wrap of Estkowski '394 since it is the intended purpose of Hill '082 to protect the saw blade tips completely using the disks D and D' having sufficient softness to be indented by the saw teeth without dulling the teeth and being thick enough not to be punctured by the teeth during handling. Therefore, Applicant submits, for these additional reasons,

the combination of Hill and Estkowski '394 and Havens '253 is improper and should be withdrawn.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: July 7, 2004

By: Ryan W. Massey  
Ryan W. Massey, Reg. No. 38,543

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

RWM/dr